

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division**

**SHELAGH PAYNE**

**Plaintiff,**

**v.**

**Civil Action No. 4:12cv87**

**LAW OFFICES OF SHAPIRO, BROWN & ALT, LLP  
F/K/A LAW OFFICES OF SHAPIRO & BURSON, LLP,**

**and**

**PROFESSIONAL FORECLOSURE COPORATION  
OF VIRGINIA**

**Defendants.**

**JOINT STATUS REPORT**

This matter is companion to six consolidated cases, with the lead case styled *Moore v. Shapiro Brown & Alt*, 4:11cv122. This case, together with the consolidated cases, has been stayed pending mediation. The Court has ordered a periodic status report, the last status report was filed on January 28, 2013. A periodic report should have been filed on February 28, 2013. The parties submit the following status report:

1. The parties held an in-person mediation session with Judge Dohnal on October 4, 2012.
2. On November 2, 2012, the parties were granted a 90 day stay of the proceedings to pursue mediation efforts.
3. On January 28, 2013, the parties filed a joint status report and informed the Court of their respective positions concerning the stay and mediation status, as well as the filing of a class action lawsuit was filed by counsel for Plaintiffs against Defendants in the Richmond Division (*Boyd et al. v. Law Offices of Shapiro, Brown & Alt, LLP, et al.*, Civil Action No: 3:12-

cv-700-REP (hereinafter “*Boyd*”). The Defendant moved to transfer venue in *Boyd* from the Richmond Division to the Norfolk Division and to consolidate it with *Moore*, which motion the Plaintiff opposed. (Doc. No. 23.)

**Plaintiff’s Position**

4. Plaintiff’s position: The Defendants have refused to actively participate in any meaningful mediation. The Plaintiff has been in contact with Hon. Dennis W. Dohnal, who has been facilitating mediation in this matter, and it is J. Dohnal’s opinion that this case is at an impasse.

There has been no activity in this case since the last status report. Despite the efforts of Plaintiffs, their counsel and Judge Dohnal, Defendants have yet to make a meaningful effort at settlement. They have refused to make any offer – meaningful or otherwise. Plaintiff and her counsel remained ready and willing to mediate and have expressed such position to Judge Dohnal. However, Plaintiff feels strongly that even in the unlikely event that the *Boyd* case is transferred and consolidated with *Moore*, this case should not be stayed any longer.

The 90-day stay has expired, the case has not progressed. It is time to get it back on track for a trial.

**Defendants’ Position**

5. Defendants continue to believe the stay should remain in place. Defendants remain engaged with and committed to the mediation process with Judge Dohnal. Defendants are awaiting individual settlement demands on the specific cases that have been filed and are stayed pending mediation. The *Boyd* class action lawsuit was filed against Defendants in the Richmond Division the afternoon before the mediation session with Judge Dohnal in October 2012, which is a prime example of forum shopping. Defendants filed a motion to transfer venue

6. The parties will continue to file their Joint Status Reports every thirty (30) days to advise the Court of the status of mediation efforts.

By: /s/  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 5th day of March, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF System, which will then send a notification of such filing (NEF) to the following:

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